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NIKOLAI & MERSEREAU, P.A.
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In re Application of	:	FEB 04 2005
Readhead et al.	:	
Application No. 10/008,385	:	OFFICE OF PETITIONS
Filed: November 12, 2001	:	
Attorney Docket No.	:	
20040351.DIB	:	ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed August 30, 2004, to revive the above-identified application. The petition is properly treated as a petition under 37 CFR 1.181, to withdraw the holding of abandonment.

The petition is granted.


The above-identified application became abandoned for failure to timely reply to the nonfinal Office action, mailed October 6, 2003. The Notice set a three (3) month period for reply. No reply having been received, the above-identified application became abandoned January 7, 2004. A Notice of Abandonment was mailed on April 19, 2004.

Applicant avers non-receipt of the Office action, mailed October 6, 2003. In support, Applicant has provided the necessary statements and copies of the docket record where the non-received Office action would have been entered had it been received and docketed. Applicant has demonstrated by a preponderance of the evidence that the Office action was not received.

The Notice of Abandonment is hereby withdrawn. A refund of the petition fee, \$110.00, has been credited to deposit account no. 08-1265 as authorized in the Transmittal, filed with the instant petition.

The application file is being referred to Technology Center Art Unit 1632 for re-mailing of the Office action.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.


Derek L. Woods
Attorney/Advisor
Office of Petitions

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>2/3/05</u>		2 Serial/Patent # <u>10/008,385</u>									
3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT								
<input type="checkbox"/> Filing			\$								
<input type="checkbox"/> Amendment			\$								
<input type="checkbox"/> Extension of Time			\$								
<input type="checkbox"/> Notice of Appeal/Appeal			\$								
<input checked="" type="checkbox"/> Petition	<u>IFW</u>	<u>8/30/04</u>	\$ <u>110.00</u>								
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		7 TOTAL AMOUNT OF REFUND		\$ <u>110.00</u>							
8 TO BE REFUNDED BY:											
		Treasury Check									
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11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>Derek Woods</u>		TITLE: <u>Attorney</u>									
SIGNATURE: <u>Derek Woods</u>		PHONE: <u>571-272-3232</u>									
OFFICE: <u>Petitioning</u>											
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****											
APPROVED: <u>[Signature]</u>		DATE: <u>2/4/05</u>									

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